ANDOVER BOARD OF HEALTH Minutes March 11, 2013, 6:00 P.M. CD&P First Floor Conference Room 36 Bartlet Street

The Board of Health Meeting was called to order at 6 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

• **February 13, 2012 (Executive Session)** – Since the matter is incomplete, Mr. Carbone recommended continuing for six months.

Motion by Ms. Martin, seconded by Ms. Kellman, to continue approval of the Minutes of the February 13, 2012 Executive Session for six months. Unanimous approval.

• February 11, 2013

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Minutes of February 11, 2013 with the following correction:

On page two, under • 6:20 p.m. – Sun Son for Boston King Café, Show Cause Hearing Continued, second to the last sentence, take out the word "his" and change the sentence from "Ms. Martin told Mr. Son to listen to his Ms. Cramm, …" to Ms. Martin told Mr. Son to listen to Ms. Cramm, …".

Unanimous approval

II. Appointments & Hearings

• 6:00 p.m. Eva Xu for Teatone Restaurant – Show Cause Hearing (Continued) – Present was Ms. Eva Xu, owner of Teatone Restaurant. Mr. Carbone stated that there were three private inspections by Ms. Cramm, two in the packet and a third that was forwarded to him from Ms. Cramm, which showed a definite improvement. Ms. Xu stated that she was pleased, but was willing to work even harder. Concerning the physical structure issues, the windows and screen door were put in, the ceiling tiles were replaced and a lot of equipment was upgraded. The only remaining issue was the freezer that was chipped a little, but Ms. Xu has plans to fix the seals and repair the bottom of the refrigerator. Ms. Martin suggested that Ms. Xu call the manufacturer because they may be able to help get the refrigerator fixed since it is not too old. The Board was very pleased that Ms. Xu took care of the issues it was concerned with over the past two years and was ready to close the Hearing.

Motion by Ms. Martin, seconded by Ms. Kellman to close the Hearing with no further action besides ongoing surveillance. Unanimous approval.

6:15 p.m. AARG Pump Station Design Review – (No Special Permit Required) – Ms. Martin noted that there were no instructions in the Maintenance Manual of what procedures to follow and questioned that there were only local alarms. Mr. Carbone explained to the Board that they will actually be having a remote alarm and if the pump alarm goes off, a local property manager would get the call from the Alarm Company. Mr. Carbone spoke with Paul Kennedy, Electrical Inspector, and he will put together a test protocol to run a load test monthly on the generator to make sure it will run the pump properly. Ms. Martin stated that the manual doesn't provide target standards; it just lists the temperatures read. Mr. Carbone agreed that they should list what an acceptable range should be. Ms. Martin asked about the vent to the pool house. Mr. Carbone responded that the pump station needs to be vented so they will run it back towards the pool house. It will be its own independent vent and will be vented by the building as opposed to out in the middle of the parking lot. Mr. Carbone explained that Board of Health approval was not needed because this is a 40B project, so Zoning was the approving authority. The ZBA decision stated that the applicants need to develop a Maintenance Manuel to the satisfaction of the Health Director. Construction will not be for a few months and will possibly begin in the Fall.

III. Discussion

- Annual Town Meeting Warrant Articles The Board discussed several Town Meeting Articles that Mr. Carbone felt they may have an interest in.
 - P-16: Revolving Accounts The Revolving Accounts Article allows the Health Division to utilize its clinic fees to purchase vaccine and pay some clinical staffing costs. Ms. Martin recommended endorsing Article P-16 and Ms. Kellman agreed.
 - P-20: Land Acquisition on 141 Chandler Road Mr. Carbone informed the Board that this property is adjacent to the Ledge Road Landfill. There was contamination from the landfill that spilled over to this property. The Town needs to access this property as part of the closure process. Ms. Martin asked if there was any other option and Mr. Carbone replied that this is the best as far as the Town is concerned because Town ownership is the best way to control how things are handled there. Ms. Martin stated that the Town has to do the remediation anyway, so just having the authority to remediate it would be a good idea. There have been ongoing negotiations with Mr. Parks, the owner of the property. Ms. Martin stated that she is not against it, but doesn't know enough about the details to support it and Ms. Kellman agreed. The Board decided to take no stand on Article P-20.
 - o <u>P-29: Doherty Middle School/WWI Memorial Auditorium Renovations</u> Mr. Carbone explained to the Board that underneath the Auditorium is a copy center

and storage area. With the renovations the hope is that more storage space will be provided since we have been running out of space to store paperwork that is required to be kept for long periods of time by the State. Ms. Martin asked if the records could be kept electronically or if a hard copy is required. Mr. Carbone replied that right now the public records laws require we retain hard copies. Ms. Kellman asked if we could do offsite archiving, and Mr. Carbone responded that we would have to build, buy or rent a space, and that is no feasible at this time. The Board decided to take no stand on Article P-29.

- O P-44: Zoning Bylaw Definition of Retail Sales Establishment & Restaurant Fast Foods Mr. Carbone informed the Board that the Town Bylaw was written so that food establishments selling retail and fast food downtown would have to go to the Zoning Board of Appeals (ZBA) for a special permit. This was designed to discourage fast food from being sold downtown, but it is having an impact on other establishments. Mr. Carbone explained that the change would allow some of the smaller establishment to bypass that. For example a retail cheese shop that is interested in opening downtown has to go to the ZBA, even though the cheese shop would not be designed for meals. Mr. Carbone expressed the opinion that, to an extent, we overregulate in a lot of areas making it difficult for food establishments to open. Ms. Kellman stated that by taking a stand and endorsing the Article, it would imply that it had health implications, but it doesn't because we would still follow our regular application procedure either way. The Board decided to take no stand on Article P-44.
- P-61: Zoning Bylaw- Watershed Protection Overlay District Map At the January 14, 2013 Board of Health Meeting, the Board already discussed and voted to co-sponsor and endorse this Article.

Motion by Ms. Martin, Seconded by Ms. Kellman to endorse Article P-16: Revolving Accounts, and noted that the Board of Health has already supported Article P-61: Zoning Bylaw — Watershed Protection Overlay District Map at its January 14, 2013 BOH Meeting. Unanimous approval.

• Annual Report - Ms. Martin noted that food inspections were high in 2011, but then dropped a little. Mr. Carbone stated that in 2011 we used more Grant money so we could do more inspections. He stated it was important to note that level is not sustainable because we don't know year to year what the Grant amount will be. Ms Martin noted environmental inspections went up and complaints went down. Mr. Carbone explained that when the economy is bad properties tend not to be kept up or restaurants cut back on staff, so complaints increase. Now that the economy is getting better, complaints decrease. Ms. Martin noted an increase in incidences in communicable diseases such as Flu & Lyme Disease. Mr. Carbone stated that there are probably more cases of Lyme Disease than listed because they tend to be underreported. Ms. Kellman stated that she heard about an experiment where they would put out food with medicine that kills ticks like they use on dogs and thought that was really interesting. Ms. Martin noted that people said hunting would reduce

the level of incidences, and wondered if that really worked. Mr. Carbone stated that he didn't think the number of deer culled over the past two years were enough to make an impact on Lyme Disease cases.

• Process to Fill Open Board Seat – The Board Members reviewed twelve applications to fill the open Board seat. Some had great leadership skills, others liked to volunteer or lead. Some had great technological skills, while others dealt with disease control. The Board Members made groups of possible candidates. They put the applications in the order they felt were best qualified to fill the criteria the Board Members wanted. First were people with medical background and the rest were put into order of skill set. In the end, they chose three top candidates: two doctors and one nurse. The three people chosen to meet with were: Gopala K. Dwarakanath, M.D., LLC, Pamela Linzer, R.N., and Shabbir Abbasi, M.D.

Next, the Board discussed how to perform the interviews. After discussion, the Board decided to have a special Board of Health Meeting on Tuesday, March 19, 2013 at 6 p.m. and conduct a ½ hour interview with each candidate. Mr. Carbone stated that he would send out an e-mail to the three candidates and see if they could all make it that evening and would let the Board know as soon as he receive the responses.

• **Set May and June Meeting Dates** – The Board decided on Monday May 13, 2013, Monday, June 10, 2013, and Monday July 15, 2013 for the next Board of Health Meeting dates.

IV. Old Business

• N/A

V. Definitive Subdivision Plans

• N/A

VI. Plan Review

- DWRP Variances/Local Upgrade Approval
 - N/A

VII. Staff Reports

A. Director's Reports:

- Important Dates:
 - ° February 21, 2013, MDEP/MHOA Training
 - o March 11, 2013 @ 6 p.m. Board of Health Meeting

- B. **Nurses' Report for January, 2013** The Nurses' Report for January, 2013 was for informational purposes only.
- C. **Inspectors' Reports for January, 2013** The Inspectors' Report for January, 2013 was for informational purposes only.

VIII. Board Member Reports

• N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:30 p.m. Unanimous approval.